

### REMARKS

Applicants acknowledge with appreciation the indication of the allowability of Claims 7, 8, 19 and 20 when presented in independent form.

In an effort to expedite prosecution, the organic solvent subject matter of Claims 7, 8, 19 and 20 has been incorporated by amendment into independent Claim 1. Each of the dependent claims includes the subject matter of Claim 1 as presently amended.

The consideration and allowance of presently solicited Claims 1 to 5, 7, 8, 10 to 20 and 22 respectfully are requested. This request includes the consideration and allowance of presently solicited withdrawn Claims 4 and 16 since they depend from a generic claim that is indicated to be allowable.

Applicants have provided an improved specifically defined non-aqueous electrolyte solution and a lithium battery which incorporates such specifically defined non-aqueous electrolyte solution.

The continued rejection of presently solicited Claims 1, 3, 5, 10, 11, 13, 15, 17, 18 and 22 under 35 U.S.C. §102(b) over the different teachings of JP 54-75534 (abstract) or JP 54-75535 (abstract) would be inappropriate. The subject matter of dependent Claims 7, 8, 19 and 20 which was indicated to be allowable if presented in independent form, has been incorporated into independent Claim 1. Each of the other claims is dependent in form and includes the subject matter of independent Claim 1. The withdrawal of the rejection is urged to be in order and is respectfully requested.

The continued rejection of presently solicited Claims 1 to 3, 5, 10 to 15, 17, 18 and 22 under 35 U.S.C. §102(b) over the different teachings of JP-08-096849 to

Matsui et al likewise would be inappropriate. The subject matter of dependent Claims 7, 8, 19 and 20 which was indicated to be allowable if presented in independent form has been incorporated into independent Claim 1. Each of the other claims is dependent in form and includes the subject matter of independent Claim 1. The withdrawal of the rejection is urged to be in order and respectfully is requested.

The continued rejection of presently solicited Claims 1 to 3, 5, 10 to 15, 17, 18 and 22 under 35 U.S.C. §102(b) over the different teachings of JP 2000-223153 to Shiga et al would be lacking a sound basis. The subject matter of dependent Claims 7, 8, 19 and 20 which was indicated to be allowable if presented in independent form, has been incorporated into independent Claim 1. Each of the other claims is dependent in form and includes the subject matter of independent Claim 1. The withdrawal of the rejection is urged to be in order and is respectfully requested.

The continued rejection of presently solicited Claims 1, 3, 5, 10 to 13, 15, 17, 18 and 22 under 35 U.S.C. §102(b) over the different teachings of JP 11-135148 to Lee-Doo et al would likewise be lacking a sound basis. The subject matter of dependent Claims 7, 8, 19 and 20 which was indicated to be allowable if presented in independent form, has been incorporated into independent Claim 1. Each of the other claims is dependent in form and includes the subject matter of independent Claim 1. The withdrawal of the rejection is urged to be in order and is respectfully requested.

Finally, the continued rejection of presently solicited Claims 1 to 3, 5, 10 to 15, 17, 18 and 22 under 35 U.S.C. §102(a) over the different teachings of JP 2002-367673 to Shizuka et al would be without a sound basis. The subject matter of


dependent Claims 7, 8, 19 and 20 which was indicated to be allowable if presented in independent form, has been incorporated into independent Claim 1. Each of the other claims is dependent in form and includes the subject matter of independent Claim 1. The withdrawal of the rejection is urged to be in order and is respectfully requested.

If there is any remaining point that requires clarification prior to the allowance of the Application, the Examiner is urged to telephone the undersigned attorney so that the matter can be discussed and expeditiously resolved.

Respectfully submitted,

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Date: January 16, 2007

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